

REMARKS

Claims 1-23 are all the claims pending in the application. Claims 1-7, 9, 12-21, 24 and 25 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hayes et al. (U.S. Patent Application Publication No. 2003/0189509). Claims 8, 10, 22, and 23 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hayes in view of Maymudes (U.S. Patent No. 6,748,278).

§ 102(e) Rejections (Hayes) - Claims 1-7, 9, 12-21, 24 and 25

Claims 1-7, 9, 12-21, 24, and 25 are rejected for the reasons set forth on pages 2-6 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to independent claim 1, Applicant submits that Hayes does not teach or suggest at least, “said at least one aware-device senses context information related to a user and an environment, and is inputted with a service request command,” as recited in claim 1. The Examiner alleges that the client device/remote controller 10/302 (shown in Figure 17 of Hayes) corresponds to the claimed aware-device, and apparently believes that the client device/remote controller 10/302 performs the above-quoted sensing function. The Examiner also states, “proximal devices requiring configuration to work with remote controller 10/302, which inherently discloses where the user is.” In response, Applicant submits that the Examiner’s statement implies that the proximal devices would be the devices that the client device/remote controller 10/302 connect with (e.g., TV/VCR appliances), as the client device/remote controller 10/302 would be operated by the user and the proximal devices allegedly would know where the user is because the client device/remote controller 10/302 is within proximity of the devices. However, even if, *arguendo*, the proximal devices can determine where a user is, the Examiner has alleged that the client device/remote controller 10/302 is the aware-device that does the sensing, which appears to contradict the Examiner’s statement about the proximal devices sensing where a user is. Moreover, even if, *arguendo*, the invention disclosed in Hayes allows

determination of where a user is, nowhere does Hayes teach or suggest that an aware-device senses context information related to an environment.

Yet further, the client device/remote controller 10/302 is not inputted with a service request command. As the Examiner states, the client device/remote controller 10/302 simply becomes aware of when an electronic appliances powered on by way of a “squawk signal,” however simply being aware of the powering on of a connected appliance is not in any way similar to having a “service request command” input.

Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Hayes.

Applicant submits that independent claim 14 is patentable at least for reasons similar to those set forth above with respect to independent claim 1.

Applicant submits that dependent claims 2-7, 9, 12, 13, 15-21, and 24-25 are patentable at least by virtue of their dependencies.

Further, with respect to dependent claim 13, Applicant submits that Hayes does not teach or suggest at least, “said at least one aware-device is contained in one of said one or more electronic appliances,” as recited in claim 13. To support the rejection of claim 13, the Examiner simply states that Hayes discloses that the aware-device is contained in an electronic appliance (a remote is an electronic appliance) (Figure 1). In response, Applicant submits that Figure 1 simply shows a block diagram view of a remote control and nowhere does Hayes show that the remote control is contained in one of the electronic appliances described in Hayes (e.g., a TV/VCR - electronic appliance).

Therefore, at least based on the foregoing, Applicant submits that claims 1-7, 9, 12-21, 24 and 25 are patentably distinguishable over Hayes.

§ 103(a) Rejections (Hayes/Maymudes) - Claims 8, 10, 22 and 23

Claims 8, 10, 22, and 23 are rejected for reasons set forth on pages 6-9 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

First, Applicant submits that dependent claims 8, 10, 22, and 23 are patentable at least by virtue of their dependencies. Maymudes does not make up for the deficiencies of Hayes.

Further, with respect to claim 8, the Examiner alleges that remote controller 204 of Maymudes corresponds to the claimed aware-device, however, the remote controller 204 of Maymudes does not perform the operation of sensing context information related to a user and an environment, as the claimed aware device does. Maymudes specifically states that the remote controller does not need to have any awareness of a control device (which would correspond to the claimed electronic appliances). Therefore, Maymudes clearly does not disclose a component that corresponds to the claimed aware device. Therefore, at least based on the foregoing, Applicant submits that dependent claim 8 is patentably distinguishable over the combination of Hayes and Maymudes.

Applicant submits that claims 10, 11, 22 and 23 are patentable at least for reasons similar to those set forth above with respect to claim 8.

Also, Applicant submits that one skilled in the art would not have been motivated to combine Hayes with Maymudes, as Hayes teaches away from that which is disclosed in Maymudes. That is, Hayes requires that a client device/remote controller 10/302 be aware of the electronic devices that it is connected to, while on the other hand, Maymudes teaches that there is no need for an awareness between a controlled electronic device and the remote controller 204. Therefore, at least based on these fundamental differences, one skilled in the art would not have been motivated to combine the applied references, Maymudes and Hayes.

Request for Interview

Also, Applicant respectfully requests that the Examiner grant Applicant's representatives an interview to further discuss this case, in an effort to more effectively move this case towards allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/730,943

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